

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

ROBERT RUCKER

v.

MICHAEL A. WALCHER and the
DISTRICT ATTORNEY'S OFFICE,
Greeneville, Tennessee

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NO. 2:05-CV-138

ORDER

In accordance with the memorandum and order this day entered, this *pro se* prisoner's civil rights action, 42 U.S.C. § 1983, is **DISMISSED** *sua sponte*, **without prejudice** to the plaintiff's right to challenge his conviction by means of a petition for a writ of habeas corpus. *Preiser v. Rodriguez*, 411 U.S. 475, 487 (1973). The Court finds that any appeal taken in this matter would not be taken in good faith 28 U.S.C. § 1915(a)(3).

ENTER:

s/Thomas Gray Hull
THOMAS GRAY HULL
SENIOR U. S. DISTRICT JUDGE